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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human rights in Occupied Palestinian Territory

The Palestinian Return Centre (PRC) is extremely concerned about the complicity of the international community with Israel's ongoing military occupation, apartheid regime and settler colonialism.

Israel's targeting of Palestinian children

Amnesty International has called on Israeli authorities to release a 16-year-old Palestinian activist Ahed Tamimi from the village of Nabi Saleh, who could face up to 10 years in prison over an altercation with Israeli soldiers in the occupied West Bank in December 2017. The minor will go before Ofer military court and is accused of 12 charges after a video showing her initially pushing Israeli occupation forces standing in her home's front yard. From the video footage available it is clear that Ahed Tamimi began slapping and kicking only after the soldier slapped her twice in an attempt to quell her pushing. The same day Ahed Tamimi was arrested her cousin Mohammed (14) has been placed into a medically-induced coma after Israeli soldiers shot him in the face with a rubber bullet during a protest. 1

According to Magdalena Mughrabi, Deputy Director for the Middle East and North Africa at Amnesty International, "Nothing that Ahed Tamimi has done can justify the continuing detention of a 16-year-old girl. The Israeli authorities must release her without delay. In capturing an unarmed teenage girl's assault on two armed soldiers wearing protective gear, the footage of this incident shows that she posed no actual threat and that her punishment is blatantly disproportionate." 2
Israel is the only country in the world that automatically prosecutes children in military courts that lack basic and fundamental fair trial guarantees, according to Defense for Children International (Palestine).3

Threat to the status of Jerusalem

The recent decision by the United States of America's president Donald Trump4 to unilaterally declare Jerusalem as the capital of Israel, and initiate plans to relocate the US embassy from Tel Aviv to Jerusalem, is serving to entrench Israel's control of the city and denial of Palestinian sovereignty. In response 14 members of the UN Security Council voted in favor of a resolution calling for Donald Trump to rescind his declaration that Jerusalem is the capital of Israel but the US vetoed the resolution.5 This led to a UN General Assembly resolution calling on the US to widraw its recognition of Jerusalem as the capital of Israel. The resolution was approved by 128 states, with 35 abstaining and nine voting against.6 The text says that any decisions regarding the status of the city are "null and void" and must be cancelled.7

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1 Ashly, J. (2018). Palestinian teen in coma after shot with rubber bullet. [online] Aljazeera.com. Available at: http://www.aljazeera.com/news/2017/12/palestinian-teen-coma-shot-rubber-bullet-171217210649934.html [Accessed 19 Jan. 2018]

2 Amnesty.org. (2018). Israel: Release teenage Palestinian activist Ahed Tamimi. [online] Available at: https://www.amnesty.org/en/latest/news/2018/01/israel-release-teenage-palestinian-activist-ahed-tamimi/ [Accessed 19 Jan. 2018].

3 Defense for Children Palestine. (2018). Military Detention. [online] Available at: http://www.dci-palestine.org/issues_military_detention [Accessed 19 Jan. 2018].

4 The White House. (2017). Statement by President Trump on Jerusalem. [online] Available at: https://www.whitehouse.gov/briefings-statements/statement-president-trump-jerusalem/ [Accessed 19 Jan. 2018].

5 Osborne, S. (2017). UN votes 14-1 to condemn Donald Trump's Jerusalem decision, as US vetoes resolution. [online] The Independent. Available at: http://www.independent.co.uk/news/world/americas/us-politics/un-donald-trump-jerusalem-israel-capital-resolution-veto-us-nikki-haley-a8117741.html [Accessed 19 Jan. 2018].

6 BBC News. (2017). UN rejects Trump's Jerusalem declaration. [online] Available at: http://www.bbc.co.uk/news/world-middle-east-42446027 [Accessed 19 Jan. 2018].

7 Un.org. (2017). United Nations Official Document. [online] Available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/ES-10/L.22&Submit=Search&Lang=E [Accessed 19 Jan. 2018].

Donald Trump's declaration also violates previous UN resolutions on the status of Jerusalem. United Nations General Assembly Resolution 181 stipulated that "The City of Jerusalem shall be established as a *corpus separatum*..." While the resolution is problematic in that it attempts to strip Jerusalem from the Palestinian polity by conferring it an "international status", in legal terms Trump's declaration of Jerusalem as the capital of Israel remains illegal. Further, Following the Six-Day War, Israel's settler colonial project expanded with the conquest of the Occupied Palestinian Territory and other Arab lands. After the 1967 War the United Nations passed resolution 242 calling on Israel to withdraw from territories occupied and return to the status quo for Jerusalem. When in 1980 the Israeli government legalized the annexation of Jerusalem through a Knesset bill which also declared it the capital of Israel, the UN Security Council issued three separate resolutions (S/RES/ 465, S/RES/ 476 and S/RES/) that asserted Israel's action to be illegal.

US Administration cuts vital aid to UNRWA

Due to the United States' recent decision to withhold US$ 65 million of funding from the UNRWA, the UN agency dedicated to providing vital support to 5 million Palestinian refugees is facing the greatest funding crisis in its history. This has already caused UNRWA to layoff dozens of teachers in East Jerusalem and the West Bank and about 100 workers in 13 refugee camps in Jordan.8 Belgium announced that it would pledge US$ 23 million to UNRWA in response to Trump's cut.9 The UN agency provides services to Palestinian refugees in the Palestinian occupied territories, Syrian Arab Republic, Jordan and Lebanon.

The Palestinian Return Centre calls on member states of the Human Rights Council to step in and fill the funding gap created by the United States and ensure that UNRWA continues to provide services until a just resolution to the question of Palestinian refugees is found. It is imperative that any resolution to the Palestinian refugee problem is based on the refugee's legitimate right of return as enshrined in UN resolution 194.

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8 haaretz.com. (2018). UNRWA begins laying off workers ahead of expected cut in U.S. aid. [online] Available at: https://www.haaretz.com/middle-east-news/palestinians/unrwa-begins-laying-off-workers-ahead-of-expected-cut-in-u-s-aid-1.5742386 [Accessed 19 Jan. 2018].

9Federal Public Service Foreign Affairs. (2018). Belgium pledges multi-annual support to UNRWA, the UN Agency assisting Palestinian refugees. [online] Available at: https://diplomatie.belgium.be/en/newsroom/news/2018/belgium_pledges_multi_annual_support_to_unrwa [Accessed 19 Jan. 2018].